



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1998

Mr. Frank M. Crull
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-3192

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120779.

The Department of Public Safety (the "DPS") received a request for information relating to investigations of the Department of Housing and Community Affairs and the Affordable Housing Corporation. You contend that the responsive information is excepted from disclosure by section 552.108(a) of the Government Code. You have supplied information that you seek to withhold.¹ We have considered the exception you claim and have reviewed the document at issue.

Section 552.108 of the Government Code, reads in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime [.]

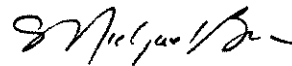
You state that the subject information "directly forms the basis for an ongoing criminal investigation." Based upon this representation and our review of the submitted document, we conclude that the release of this information would interfere with the

¹Note that this opinion applies only to the information provided. We presume that all other information requested has been released.

detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W. 2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Therefore DPS may withhold the submitted document under section 552.108(a) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 120779

Enclosure: Submitted document

cc: Mr. Scott Greenberger
Austin American-Statesman
P.O. Box 670
Austin, Texas 78767
(w/o enclosure)